

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By **CHAIRMAN STANLEY (STAN) FISHER**, on January 16, 2003 at 8:00 A.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Stanley (Stan) Fisher, Chairman (R)  
Sen. Corey Stapleton, Vice Chairman (R)  
Sen. Keith Bales (R)  
Rep. Carol C. Juneau (D)  
Sen. Trudi Schmidt (D)

**Members Excused:** Rep. Tim Callahan (D)  
Rep. Dave Lewis (R)

**Members Absent:** None.

**Staff Present:** Marian Collins, Committee Secretary  
Brent Doig, OBPP  
Lorene Thorson, Legislative Branch

**Please Note:**

**Audio-only Committees:** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes appears at the beginning of the content it refers to.

**Committee Business Summary:**

Hearing & Date Posted: Dept of Corrections, 1/13/2003  
Executive Action: None

**Bill Slaughter, Director, Department of Corrections (DOC)**, presented the committee members with Legislative Report 2002 and gave an overview of divisions within the Department and the DOC Advisory Council.

The department took nearly a three million dollar budget reduction in 2002. The governor's budget reduction was \$2.3 million and the special session reduction was \$900,000. This resulted in cuts throughout the department with the exception of probation, parole and correction officers. **Mr. Slaughter** commented that the federal government is distributing money to states to deal with meth labs but there is no federal money coming to Corrections to deal with those offenders either through treatment or construction of cells.

**EXHIBIT(jch09a01)**

**{Tape: 1; Side: A; Approx. Time Counter: 28.3 - 30.2}**

**{Tape: 1; Side: B; Approx. Time Counter: 2.4 - 30.7}**

**{Tape: 2; Side: A; Approx. Time Counter: 0.1 - 9.8}**

**Joe Williams, Administrator, Centralized Services, Department of Corrections**, stated there are three components of corrections: admissions, movement within the system, and releases. Since 1992, Corrections takes in 34 more offenders every month than it releases. He referred the committee to pages 20 and 21 of Exhibit #1 and pointed out increases in inmate populations during that same period. Male inmates increased by 9% and female inmates increased by 13% during 2002.

Several statistics pointed out by Mr. Williams were: 75% of Montana's adult corrections population is in community settings such as under intensive supervision, in a prerelease center, or on probation and parole. Eighty-four percent of female offenders and 64% of males will not go to prison. Over 80% of all offenders in the Department of Corrections have a chemical dependency problem. When DUI was first listed as a felony it was a 10-year sentence. From 1993-2002 there were 1,668 convictions of which 1,450 were sentenced to prison with partial suspension and 142 sentenced with no suspension. Felony DUI's were backing up the prison system. In 1997, a 4th offense DUI sentence was dropped to 13 months thus relieving some of the over-crowding at the state prison. Over-crowding is also a problem at the city and county level. Because of the over-crowding, every sheriff's office across the state has unserved felony warrants for such offenses as bad check writing. These are not dangerous offenders. When the jails are full these warrants cannot be served because there is nowhere to put them. These offenders know this.

**SEN. STAPLETON** asked what federal monies the state receives for prisons. **Mr. Williams** stated that most states rely on general fund to support prisons. With the exception of the last five years, Montana received about \$13 million federal grant money to build prison cells. The federal government does not have many federal programs available for correctional agencies. The juveniles-at-risk does receive some grants.

*{Tape: 2; Side: A; Approx. Time Counter: 10.2 - 13.5}*

**Steve Gibson, Division Administrator, Juvenile Corrections**, stated the DOC does currently access some federal monies. The substance abuse program at Pine Hills receives a federal match which is approximately \$340,000 per year. Both juvenile facilities, Pine Hills and Riverside, are accredited and therefore receive Title I money and the federal food program money. Partnerships with local chemical dependency providers will provide another \$400,000 grant to deal with substance abuse. Most of the grants received apply to youth under 18. Medicaid dollars cannot be given to anyone in a secure facility. The juvenile placement budget, which is channeled through Juvenile Corrections, is approximately \$6 million. Those kids live in local communities.

**SEN. STAPLETON** suggested the Corrections Department search for other funding other than state general funds. **Mr. Slaughter** responded that Nancy Knight has been hired as a full time grant writer. She is also the Native American liaison. She is constantly watching for new grants, and writing grants as they become available.

**REP. JUNEAU** asked who is responsible for health care for parolees once they are released from the facilities. **Mike Ferriter, Administrator, Community Corrections**, stated that probation and parole and pre-release has approximately \$200,000 available to assist an offender with medical attention or medicine once they are paroled. The expectation is that the parolee takes care of those things themselves within a month or two of release.

*{Tape: 2; Side: A; Approx. Time Counter: 21.0 - 30.5}*

*{Tape: 2; Side: B; Approx. Time Counter: 2.3 - 5}*

**Mr. Williams** referred the committee to the chart on page 28 of Exhibit #1 which details the percentage of incarcerations for adult males by ethnicity. The increases in the Native American population incarcerated is alarming which is why a Native American liaison has been hired. Nancy Knight is working closely with agencies and the DOC Advisory Council to identify factors

contributing to the increases. **Mr. Slaughter** suggested some of the contributing factors are poverty, dis-enfranchised status, inadequate legal counsel, spiritual issues, unemployment, and misunderstanding the Native American culture.

**{Tape: 2; Side: B; Approx. Time Counter: 4.6 - 16.5}**

**Mr. Williams** stated that the average recidivism (return to prison within three years) in the United States is approximately 52%. Montana statistics for 1999-2002 show 37% for males and 41% for females. A major goal of the Department of Corrections is to identify the major issues leading to offenders returning to the prison system. The department suggested that issues such as inadequate support in communities for treatment of chemical dependency and job-skills training may contribute to recidivism.

**Mr. Williams** presented the committee with copies of a recent financial compliance audit performed by the Legislative Audit Division (LAD). Seven recommendations were noted in the audit.

**EXHIBIT (jch09a02)**

**Mr. Williams** also presented the committee with copies of a graph showing the actual number of inmates throughout the institutional system as of June 30, 2002, projected numbers for June 30, 2003, and actual numbers as of January 14, 2003. The drop since the end of November 2002 is attributed to the conditional release program.

**EXHIBIT (jch09a03)**

**REP. JUNEAU** asked for information regarding the costs such as foster care when a woman is convicted and sentenced to prison.

**Mr. Williams** stated those figures would be available from the Department of Health and Human Services (DPHHS). He believes the Department of Corrections should be used as a program indicator for other agencies such as DPHHS and Education.

**{Tape: 2; Side: B; Approx. Time Counter: 16.5 - 31.3}**

**{Tape: 3; Side: A; Approx. Time Counter: 0.3 - 30.}**

**{Tape: 3; Side: B; Approx. Time Counter: 0.5 - 8.5}**

**Craig Thomas, Executive Director, Board of Pardons and Parole,** stated the Board is responsible for parole release for those offenders incarcerated in a state prison facility or sentenced to a state prison facility and in pre-release centers. The Board is made up of three regular members and two auxiliary members who are citizen volunteers. The Board is part of the executive branch of state government, and is attached to the Department of Corrections

for administrative purposes. **Mr. Thomas** presented each committee member a copy of the Board's biennial report. The personal services budget is approximately \$350,000 and the operating budget is approximately \$101,000. Present law adjustments that were approved through the executive budget includes an increase in travel for the Board members, increased Board member per diem, and re-accreditation through the American Corrections Association. The majority of the present law adjustments in regard to Board member per diem and travel is a result of several Supreme Court decisions that mandate two parole members hear and act on all cases. Board members are paid \$50.00 for each day they spend on Board business. They are also paid for time spent reading the reports and preparing for the hearings. The Parole Board is mandated by the legislature to look at: 1) whether or not an offender can be released without being a detriment to himself, herself or the community; 2) the best interests of society are furthered; 3) if the inmate is able and willing to fulfill the obligations of a law-abiding citizen; and 4) continued correctional treatment would substantially enhance the inmate's capacity to lead a law-abiding live. The Parole Board is also responsible for parole revocation and reviewing applications for executive clemency.

**EXHIBIT (jch09a04)**

**REP. CALLAHAN** asked **Mr. Thomas** to provide this committee with a breakdown of what offenses were committed by parolees in 2002. **Mr. Thomas** deferred to Mr. Mike Ferriter who said he would try to get that information prior to his presentation the following day.

**CHAIRMAN FISHER** asked **Mr. Thomas** for clarification about the request for \$10,750 increase for travel. **Mr. Thomas** responded that request is due to restructuring the Parole Board, which is a result of the Supreme Court's decision requiring hearings be conducted with two Parole Board members.

**CHAIRMAN FISHER** also asked **Mr. Thomas** about the 80% increase in per diem. **Mr. Thomas** stated that the increase is due to the Supreme Court decision, and also the increase in caseload. Because of the increased caseload and the Supreme Court decision, the Board is requesting two additional auxiliary members to handle the caseload.

**SEN. STAPLETON** presented each committee member with information on how new proposals from previous legislatures were inserted into the base budget for different agencies.

**EXHIBIT (jch09a05)**

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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REP. STANLEY (STAN) FISHER, Chairman

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MARIAN COLLINS, Secretary

SF/MC

**EXHIBIT** (jch09aad)